

# **REQUEST FOR PROPOSALS**

**FOR A PROJECT IN ORANGE COUNTY**



**ISSUED BY  
THE INDIANA GAMING COMMISSION**

**MARCH 5, 2004**

## **Executive Summary**

Under the provisions of Public Law 92-2003, the Indiana Gaming Commission ("Commission") seeks to enter into a contract for the operation of a gaming facility in Orange County, Indiana. The gaming facility will be a vessel located on a body of water in a historic hotel district. The Commission is issuing this Request for Proposals ("RFP") in order to select an operating agent who will construct and operate the gaming facility.

This RFP is divided into three parts. The first part sets forth the structure of the project, describes the project site and explains the roles and relationships between the Indiana Gaming Commission, the Historic Hotel Preservation Commission (HHPC) and the successful applicant.

The second part of the RFP outlines the selection process. An evaluation framework will be applied with particular emphasis on the financial viability of the applicant, the expected economic impact of each proposal, and the extent to which each proposal is compatible with the uniqueness of the area and the project.

The third part of the RFP outlines the major components which must be addressed in each proposal. These include an explanation of plans for project development, financing, marketing, and employment. The information submitted in the proposals is in addition to Parts I and II of the Orange County Operating Agent Application previously submitted to the Commission which will allow the Commission to determine the qualifications and suitability of each applicant for this project.

Definitions provided in Parts I and II of the Operating Agent Application are also applicable to this RFP.

## **Part I Background**

The original Riverboat Gambling Act provided for a riverboat to be located on Patoka Lake. After passage of the Act, the United States Army Corps of Engineers advised the Commission that gaming was not permitted on property controlled by the Corps of Engineers.

Following many years of attempts to transfer this license to a location near Patoka Lake, House Bill 1902 passed the Indiana General Assembly in 2003. This legislation became Public Law 92-2003 and provides for the operation of a gaming facility in a historic district created by the statute. The statute also created the HHPC which shall jointly approve, with the Commission, a casino location and exterior design. The proposals

submitted in response to this RFP should be based upon the site recommended by the HHPC and should develop the theme selected by the HHPC. The Commission will evaluate proposals prior to making its determination regarding the site. **Attachment I** is a map of the site and **Attachment II** is documentation of the theme as set forth by the HHPC.

### **Purpose of the Request for Proposals**

It is proposed that a gaming facility will be constructed in the Historic Hotel District in the form of a vessel on a body of water. Applicants will be required to specify plans including, but not limited to, site improvement, gaming operations and employment and, in doing so, demonstrate the ability to operate a successful gaming operation while bringing significant economic development to Orange County and the surrounding areas of the state. The successful applicant will be expected to complete construction of the facility within 18 to 24 months of the execution of the contract with the Commission.

### **Statement of Political Relationships**

The Commission has the sole authority to enter into a contract with an operating agent for the operation of a gaming facility in Orange County. The Commission and the HHPC are charged with jointly approving the location for the facility and an exterior design. The HHPC also has the authority to make a non-binding recommendation to the Commission regarding the choice of an operating agent and to make recommendations to the Commission concerning the operation and management of the gaming facility. Gaming operations and related activities of the gaming facility will be regulated by the Commission. These relationships are in addition to any local, state, or federal permitting requirements with which the operating agent will be required to comply.

### **Objectives**

The Commission is issuing this RFP to solicit the highest quality proposal for the Orange County project. The Commission intends to select the applicant which is most qualified and able to present a proposal with the greatest likelihood of fulfilling the objectives of this project. These objectives are as follows:

- ▶ To ensure that the project produces tax revenues consistent with the capacity of the gaming market;
- ▶ To act as a catalyst for local and regional economic development;
- ▶ To promote tourism and hospitality industries; and
- ▶ To create jobs.

In fulfilling these objectives, the Orange County project will be designed and operated in a manner which complements the community and the historic nature of the hotels. The gaming facility must fit into the community and become a partner in the development of the community. The project must become a positive and prominent entity in the area that complements the character of the community.

## **Gaming Facility**

The Orange County project will include the facilities listed below:

- ▶ A gaming area including both table games and electronic gaming devices;
- ▶ Restaurants, lounges and or bars or agreements to utilize existing or new facilities;
- ▶ Docking and port facilities;
- ▶ Parking facilities, including tour bus drop off facilities and other infrastructure related to the gaming facility; and
- ▶ Landscaping.

## **Basic Structural Framework**

Applicants are encouraged to be creative in their proposals with respect to the construction and operation of the gaming facility. However, applicants are also expected to take into account the following:

- ▶ The project site must be located within the Historic Hotel District at a location determined by the HHPC and the Commission;
- ▶ The operating agent will enter into a lease agreement with the owner of the property;
- ▶ The project will be subject to design review and/or standards as established by the HHPC as set forth in **Attachment III**, Ordinance No. 03-05 approved by the West Baden Town Council and **Attachment IV**, Ordinance No. 03-06 approved by the French Lick Town Council. You will note that these ordinances are identical.

## **Project Site**

The project site selected by the HHPC is located in the town of French Lick. The site contains approximately 21 acres. The operating agent will be allowed to use approximately 10 acres. The operating agent could utilize areas in addition to the 10 acres if the Commission and HHPC determine that the applicant's proposal warrants additional space.

The United States Coast Guard has informed the Commission that there are no navigable waterways in this location. As a result, this project will not be under Coast Guard jurisdiction and a Certificate of Inspection will not be required for the vessel. Applicants are responsible for conducting due diligence with regard to jurisdictional issues regarding other agencies such as, but not limited to, the United States Army Corps of Engineers, Indiana Department of Environmental Management, Indiana Department of Natural Resources, and Indiana Fire and Building Services.

The proposed casino site lies just to the northwest of the intersection of Mt. Aerie Road and County Road 25 North, with the easternmost portion of the site lying just to the east of County Road 25 and the remainder of the site lying to the west of County Road 25.

Insofar as the casino site is affected by the railroad spur owned by the Indiana Railway Museum, it should be noted that the museum has agreed to work with the operating agent to allow the spur to be shortened or relocated as described in more detail in **Attachment V**, a letter previously provided to applicants from the Indiana Railway Museum.

With regard to infrastructure, note that County Road 25 was annexed by the town of French Lick in February 2004. The town of French Lick is willing to accommodate any reasonable request from the casino with regard to site access and other infrastructure concerns.

The proposed casino site is owned by Boykin Hotel Properties, L.P. Boykin will agree to provide the land by long-term lease containing usual and customary lease terms and other mutually agreeable terms. It has been represented to the Commission that the lease payment will be nominal, depending upon the negotiated benefits to each hotel.

### **Construction and Financing**

Applicants will be responsible for construction and financing of this project. It is expected that the materials used in the construction of this project will be of high quality. Applicants will be required to provide, as part of the proposal, evidence of financing commitments and other proof of financial ability sufficient to complete the project.

### **Operating the Gaming Facility**

The operating agent will be responsible for gaming and related operations. The operating agent will equip and furnish the entire gaming facility and be responsible for ensuring that the equipment and furnishings are maintained in top condition. The operating agent will be responsible for securing all human resources for the operation and, in doing so, shall be responsible for training. The operating agent will also be responsible for developing a plan for hiring local residents and minorities and for using local and minority vendors and suppliers, when applicable.

### **Allocation of Revenues**

The operating agent will be required to pay an admission tax of \$4 per person admitted to the vessel pursuant to IC 4-33-12-1(b)1 and a graduated wagering tax pursuant to IC 4-33-13-1.5. Admission and wagering tax revenues shall be distributed in accordance with IC 4-33-12-6 and IC 4-33-13-5. In addition, applicants may wish to provide additional incentives as set forth in a local development agreement.

### **Regulatory and Operational Framework**

The Commission will regulate all aspects of gaming including, but not limited to, rules of games, occupational and supplier licensing, contracting with minorities and the payment of admission and wagering taxes. The operating agent will be required to

submit detailed procedures for auditing, accounting, security, surveillance, scheduling, extension of credit and other functions that will insure the integrity of the gaming operation.

### **Additional Terms and Conditions**

- ▶ The Commission does not bind itself to accept any proposal. The Commission may proceed in its sole discretion following receipt of proposals and reserves the right to accept proposals in whole or in part or to discuss or negotiate different or additional terms to those set forth in this RFP or in a proposal to amend or modify any term of this RFP. The Commission may invalidate the RFP and may issue a second RFP;
- ▶ All costs and expenses incurred by applicants relating to their proposals will be paid by the applicants. The Commission is not liable to pay such costs and expenses or to reimburse or to compensate applicants under any circumstances, including the rejection of any or all proposals or the cancellation of the Orange County project;
- ▶ The Commission will not be responsible for any delays or costs associated with any reviews or approval processes or with the implementation of any mitigating measures;
- ▶ The Commission makes no warranty as to the accuracy or completeness of any information provided by commissioners or staff. Applicants are responsible for obtaining independent financial, legal, accounting, engineering, and technical advice;
- ▶ The design, development, construction, financing and operation of the Orange County project must comply with legislation, regulations, by-laws, and codes at all levels of government. The applicant and/or any person acting under its direction must identify and comply with all regulations, by-laws, and codes imposed by each level of government, agencies, and organizations, as applicable;
- ▶ The Commission reserves the right to waive deficiencies in a proposal. The decision as to whether a deficiency will be waived or will require the rejection of a proposal will be solely within the discretion of the Commission;
- ▶ Applicants and their key persons and substantial owners must pass a background investigation and remain in good standing with the Commission in order to participate in the selection process;
- ▶ After receipt of the proposals, the Commission has the right to negotiate with applicants and such negotiations may result in revisions to proposals. Additional changes may also be sought during public hearings before the Commission. After selection of an operating agent, the Commission has the right to negotiate with the applicant in question and to negotiate changes, amendments, or

modifications to the proposal as submitted without offering other applicants the opportunity to amend their proposals; and

- ▶ The Commission is required to disclose certain information included in proposals pursuant to IC 4-33-5. In addition, materials contained in proposals are subject to the Indiana Public Records Act, IC 5-14-3 *et seq.*, and, after the contract is awarded, fully executed and delivered to the successful applicant may be viewed and copied by any member of the public, including news agencies and competitors. Applicants claiming a statutory exception to the Indiana Public Records Act must place all confidential documents (including the requisite number of copies) in a sealed envelope clearly marked “Confidential” and must indicate in the transmittal letter and on the outside of that envelope that confidential materials are included. The applicant must also specify which statutory exception provision of the Indiana Public Records Act applies. The Commission reserves the right to make determinations regarding confidentiality. If the Commission does not agree that the information designated is confidential under one of the disclosure exceptions to the Indiana Public Records Act, it may either reject the proposal or discuss its interpretation with the respondent. If an agreement can be reached, the proposal will be considered. If an agreement cannot be reached, the Commission will remove the proposal from consideration and return the proposal to the applicant.
- ▶ The Operating Agent will be required to fully insure the Orange County gaming facility pursuant to I.C. 4-33-6.5-4(5). In addition the Operating Agent will be required to indemnify, defend, and hold harmless the Commission and the State of Indiana from all liabilities relating to the Orange County gaming facility.

## **Part II**

### **Selection Process**

The primary purpose of the RFP is to select the highest quality proposal for the Orange County project. The Commission is committed to providing a fair and open selection process.

An evaluation framework will be applied to the selection process. The selection criteria will recognize potential for widely varying responses from applicants, depending on their individual strengths, corporate vision, past experience and capabilities. Applicants should note that the qualitative aspects of the proposal are as important as the quantitative aspects (such as projected win and admissions). The Commission is expressly giving the private sector the flexibility to develop the most appropriate proposal for the Orange County project.

Given the complex nature of this initiative and the wide range of possible proposals, it is neither desirable nor appropriate to create an absolute set of criteria. Each proposal will be assessed individually, as well as comparatively with the others.

The proposals must contain complete responses to each question in the RFP. A proposal which fails to comply with or respond to any part of the RFP may result in the rejection of the proposal.

The Commission will select an operating agent following public presentations by each applicant who has passed the background investigation and submitted a proposal deemed complete by the Commission. Prior to the presentations, applicants will discuss their proposals with commission staff and commission staff may issue questions to particular applicants which may result in revisions to a proposal. In addition, the Commission intends to contract with the Center for Urban Policy and the Environment of Indiana University-Purdue University Indianapolis for services related to the evaluation of the proposals.

Applicants will also have the opportunity to negotiate local issues with the HHPC during a time period designated by the Commission. Following negotiations, the HHPC will have the opportunity to report to the Commission and the Commission may elect to submit questions to applicants which may result in revisions to proposals. Any member of the HHPC who participates in the negotiations will be required to enter into a confidentiality agreement with the Commission, as discussion of specific information involved in the negotiations could compromise the integrity of the RFP process and prejudice the community against a particular applicant or applicants. This should not be construed to limit discussions between applicants and local units of government pertaining to issues under the jurisdiction of those local units of government.

### **Grounds for Disqualification**

Any attempt on the part of an applicant or an applicant's employee, agent, contractor or representative to contact any of the following persons with respect to the RFP may lead to disqualification:

- ▶ Any member of the Commission
- ▶ Any person working under contract with the Commission
- ▶ In addition, if an applicant gives, attempts to give or promises a gift, gratuity, compensation, travel, lodging or anything of value, including an offer of future employment, to any of the above persons, Commission staff or members of the HHPC, the applicant may be disqualified.

### **Timetable**

Release of RFP .....	March 5, 2004
Deadline for applicant questions and comments .....	March 15, 2004
Proposal deadline .....	April 23, 2004

The following dates are approximations and may change at the discretion of the Commission:

Negotiation with HHPC .....	April 26, 2004 - May 14, 2004
Final or proposed local development agreements due .....	May 17, 2004



Negotiation with IGC staff ..... May 17, 2004 - Public Hearing  
Commission public hearing ..... Mid-July  
Selection of operating agent ..... Mid to Late July

### **Due Date for Proposals and Questions**

Only applicants who have completed Part I and Part II of the application process may submit a proposal. All proposals must be received by the Commission at the address below no later than **3 p.m. Eastern Standard Time** on April 23, 2004. Each applicant must submit one original (marked "Original") and 15 complete copies of the proposal, including the transmittal letter and other related documentation as required in this RFP. A complete copy of the discloseable portions of the proposal must be provided on a 3 ½" diskette and/or on CD-ROM size 650. A complete copy of the confidential portion of the proposal must be provided on a separate 3 ½" diskette and/or on CD-ROM size 650.

Any proposal received by the Commission after the due date and time may not be considered. Any rejected proposals will be returned, unopened, to the respondent upon request. All rejected proposals not claimed within 30 days of the proposal due date will be destroyed.

It is the responsibility of the respondent to make sure that proposals are received by the Commission on or before the designated time and date.

All questions regarding this RFP must be submitted in writing to the address below no later than **3 p.m. Eastern Standard Time** on March 15, 2004. Inquiries may also be submitted via e-mail to [rfp@igc.state.in.us](mailto:rfp@igc.state.in.us) and must be received by the Commission by the time and date indicated above. Questions submitted after 3 p.m. may not be considered.

Following the question due date, the Commission will assemble a list of the compiled questions asked by all applicants without reference to which applicant submitted the question. The responses will be posted to the Commission website approximately one week after the question due date listed in the RFP timetable. The Commission reserves the right to judge whether any questions should be answered. Copies will be placed on the IGC Web site for downloading. Only answers approved and posted by the Executive Director of the Gaming Commission or designee and posted on the Web site will be considered official and valid. No negotiations, decisions, or actions shall be initiated by any respondent as a result of any verbal discussion with any Commission employee. Inquiries shall be directed to the e-mail address above or to:

Jennifer Arnold, Deputy Director  
Indiana Gaming Commission  
115 West Washington Street, Suite 950 South  
Indianapolis, IN 46204  
(317) 233-0046

**Modification or Withdrawal of Offers**

Responses to this RFP may be modified or withdrawn in writing or by fax notice received prior to the time and date specified for receipt of proposals. The applicant's authorized representative may also withdraw the proposal in person, providing his or her identity is made known and he or she signs a receipt for the proposal. Proposals may not be withdrawn after the proposal due date and time has passed.

Modification to or withdrawal of a proposal received by the Commission after the exact hour and date specified for receipt of proposals will not be considered. If it becomes necessary to revise any part of this RFP or if additional data is necessary for an exact interpretation of provisions of this RFP prior to the due date for proposals, a supplement will be posted to the Commission website. If such addenda issuance is necessary, the Commission reserves the right to extend the due date and time of proposals to accommodate such interpretations or additional data requirements.

The Commission anticipates requesting best and final offers. This request could be made of applicants during a public meeting or hearing of the Commission. The request for best and final offers may include:

- ▶ Notice that discussions are concluded;
- ▶ Notice that this is the opportunity to submit written best and final offers;
- ▶ Notice of the date and time for submission of the best and final offer;
- ▶ Notice that if any modification is submitted, it must be received by the date and time specified or it will not be considered; and
- ▶ Notice of any changes in the Commission's requirements.

If best and final offers are requested, results will be determined at an open meeting of the Commission.

**Secretary of State Registration**

In accordance with IC 5-22-16-4, before an out-of-state applicant can do business with the State, the applicant must be registered with the Indiana Secretary of State. If an out-of-state applicant does not have such registration at present, the applicant should contact

Secretary of State of Indiana  
Corporation Division  
402 West Washington Street, E018  
Indianapolis, IN 46204  
(317) 232-6576

for the necessary application form. It is each applicant's responsibility to register prior to the initiation of any contract discussions.

### **Part III**

## **Contents of Proposal**

1. Provide a narrative description of the theme of the gaming facility and interior concept drawings, including gaming floor layout and back-of-the-house. The description should also include the functional uses for the site and floor plan including capacity and square footage. In addition, describe amenities such as restaurants, entertainment facilities, recreational facilities, lounges and/or bars, retail shops, docking and port facilities, parking and landscaping to be developed by the applicant in connection with the gaming establishment.

As part of this question, please provide a plan for transporting patrons to and from the historic hotels and describe what, if any, existing resources may be used for this purpose. If any assessments have been conducted by or for the applicant pertaining to this issue, please provide a summary of the conclusions reached as a result of the assessment(s).

2. Provide a description of the site improvements and exterior features, including an artist's rendering, proposed for this facility including the following:
  - a) a design for the vessel;
  - b) a description of the water feature and docking facility;
  - c) a description of new infrastructure and/or infrastructure improvements and other features necessary to support the facility.
3. A railroad spur (also called a "wye") is a series of switches used to turn railway equipment. Referencing **Attachment I**, a map of the casino site recommended by the HHPC, it should be noted that a railroad spur owned by the Indiana Railway Museum extends into the site. Provide a specific plan for site improvement relating to the railroad spur and any proposed agreements with the Indiana Railway Museum to effectuate such improvements.
4. As part of the projected gaming facility project construction cost, the successful applicant may be required to participate in community infrastructure developments. These may include but not necessarily be limited to the widening and expansion of local roads and other infrastructure, including providing necessary improvements to the French Lick/West Baden sewage plant. Submit any assessments done by or for the applicant in regard to such projects and a plan for such upgrades including a list of necessary projects, estimated cost, proposed financing, including any "up-front" payments to local government, and a timeline for such projects.
5. Describe how the gaming facility will incorporate features necessary to ensure comfortable and mainline access for persons with disabilities.

6. Provide a parking plan showing the location and number of spaces to be provided for patron and employee parking and tour bus passenger drop-off and pick-up.
7. Provide an estimated development timetable from the execution of a contract to the opening of the gaming facility. The timetable should list any assumptions made in its preparation. It should also indicate what assurances of timely completion will be provided.
8. Describe the number and types of table games and slot machines to be offered in the gaming facility and provide an estimate of monthly and annual revenue per type of table game and slot machine.
9. Indicate the number of jobs required to staff each component of the gaming facility. Provide a description of the key management staff who will be required to operate each component and, for each component, a breakdown of the number of positions by department and by full-time and part-time positions, general classifications and total estimated salaries and benefits.
10. Provide information with respect to staff training and development and staff relations generally. If the applicant has gaming operations in other jurisdictions, specifics of training and development programs implemented in those jurisdictions should be included.
11. Describe the applicant's policies and programs regarding employment equity, with special attention to recruitment, hiring, retention, promoting and hiring of minorities. Provide a good faith affirmative action plan to recruit, train, and upgrade minorities in all employment classifications.
12. Indicate the number (and percentage) of Orange County residents that the applicant will propose to hire as full-time employees and managers, respectively, steps to be taken to achieve this commitment, such as recruitment and training programs and anticipated salary and benefit levels, including health benefits for each category of employee.
13. Indicate the number (and percentage) of residents from surrounding counties the applicant will propose to hire as full-time employees and managers, respectively, steps to be taken to achieve this commitment, such as recruitment and training programs and anticipated salary and benefit levels including health benefits for each category of employee.
14. Submit a plan for utilization of certified minority and women owned business enterprises including a plan for attaining the purchasing goals relating to such enterprises as outlined by the Indiana Code and Indiana Administrative Code.
15. a. Generally describe the operating and pre- and post-opening marketing plans for the gaming facility.

- b. Under separate cover marked "Confidential", describe the operating and pre-and post-opening marketing plans for the gaming facility, including the amounts, kinds and types of general promotion and advertising campaigns which will likely be undertaken, the proposed market to be reached and whether any other facility or activity will be included in such promotion or advertising. Include a map illustrating targeted geographic areas.
16. Under separate cover marked "Confidential", specify whether the applicant's existing customer database will be available for the gaming facility. Describe in detail how the gaming facility will benefit from the applicant's customer database and, if so, describe any restrictions that may be placed on the use of that database and how the database will be made available for the gaming facility.
17. Under separate cover marked "Confidential", state how a separate customer database will be developed for the gaming facility.
18. Under separate cover marked "Confidential", discuss the relationship of the gaming facility to the applicant's other properties and projects. Also indicate whether the applicant will use its corporate and regional offices to direct customers to the gaming facility.
19. Provide a comprehensive and creative plan regarding the type of entertainment, attractions or events anticipated to be offered at or in connection with the facility, demonstrating that the proposal makes a positive contribution to the historic hotels and community and that the proposal is compatible with the unique location and setting of the facility.
20. Discuss any potential marketing plans that may include utilization of local businesses or resources, including the historic hotels, restaurants, and local recreational facilities. Indicate how the applicant would cooperate with the two historic hotels and local tourism groups on an on-going basis to promote the district as a destination resort and increase overnight visitation.
21. Discuss the strategies to be used by the applicant to deal with the cyclical nature of tourist demand so that the utilization of the gaming facility and related amenities will be optimized throughout the entire calendar year.
22. The goal of the French Lick - West Baden Springs Historic Hotel District is to be a destination resort with a wide choice of activities. The Historic Hotel Preservation Commission (HHPC) believes a key to this vision is to have two viable historic hotels in the district. The HHPC believes that a guaranteed room purchase contract is necessary to achieve this. If the applicant is willing to enter into such an agreement(s), please provide details regarding the guaranteed room purchase contract or other agreements that you will make with each of the two hotels. Each of the two hotels should receive a similar economic benefit from any guaranteed room agreements entered into with the applicant.

23. Provide total estimated revenue for the property, including revenue from amenities owned by the operating agent. Also provide an estimate of total expenditures to the hotels or other local businesses for the proposed use of amenities by the operating agent. Include only information in addition to information provided in response to Question 22.
24. Outline the types of public education and problem gambling prevention strategies, including prevention and education strategies for employees, that will be implemented as part of the operation of the gaming facility. If the applicant has gaming operations in other jurisdictions, specify how problem gambling prevention programs implemented in those jurisdictions will be included in the proposal.
25. Discuss how the applicant will ensure that minors will be identified and prohibited from obtaining access to the vessel and engaging in gambling activities. If the applicant has casino operations in other jurisdictions, specify how programs implemented in those jurisdictions will be included in the proposal.
26. Under separate cover marked "Confidential", describe the applicant's operating policies, programs, and procedures for dealing with security inside and surrounding the gaming facility.
27.
  - a. Provide an estimate of total project development costs including cost for financing, design, site improvement, construction, furnishing and equipping the gaming facility.
  - b. Under separate cover marked "Confidential", provide a detailed projected budget itemizing costs for financing, design, site improvement, construction, furnishing and equipping the gaming facility.
28.
  - a. Provide projected balance sheets and income statements for the first ten years of operation of the gaming facility.
  - b. Under separate cover marked "Confidential", provide a detailed financial projection, including monthly profit and loss statements and cash flow statements for the first twelve months of operation.
29. Under separate cover marked "Confidential", provide a narrative explaining any material assumptions upon which the financial projections are based, including detailed assumptions regarding operating performance (i.e. dates of opening gaming facility, slot and table win, number and types of table games and slots, number of employees and customer counts).
30. Under separate cover marked "Confidential", provide a schedule which shows the projected monthly and annual returns.

31. Under separate cover marked "Confidential", provide a detailed summary of sources of financing for the gaming facility including evidence of those financing sources for which the applicant has financing commitments and the terms of these commitments.
32. Provide minimum standards or targets for win and admissions for the gaming facility. Compare these minimum standards to those of the applicant's other properties.
33. Provide a schedule for upgrading, improving, and expanding the facility throughout the term of the operating contract.
34. Does the applicant intend to provide economic incentives to the community in addition to statutory tax disbursements? If so, such incentives must be presented to the Commission in the form of a local development agreement. If such an agreement is reached or proposed, the applicant must submit the agreement when it is complete, but no later than 3 p.m. on Monday, May 17, 2004. The document submitted may be in draft form and may be subject to further negotiation and revision. The proposed agreement should include the method for calculating incentive payments and any other details that demonstrate the value of such incentives to the local and surrounding communities.
35. Provide a plan to maximize opportunities for contractors, vendors, and suppliers located in Orange County, contiguous counties and other areas of Indiana. Provide this information for both the project development stage and for on-going operations. If available, provide similar actual information from casino operations in other jurisdictions.
36. Indicate your willingness to reimburse the towns of French Lick and West Baden Springs and the HHPC for the reasonable legal and professional fees incurred by them until the gaming facility is open and such entities are receiving revenues including reimbursing unsuccessful applicants for advances made to pay such costs prior to the selection of the successful applicant.
37. Has applicant experienced labor disputes, including, but not limited to, work stoppage or picketing in other jurisdictions? If so explain what steps were taken to end or reduce the effects of the labor disputes.
38. What steps, programs or policies will the applicant recommend to reduce or eliminate labor disputes for this project?
39. Has the applicant entered into any labor stabilization agreements in any other jurisdictions? If so where and under what circumstances? Please provide copies of any signed agreements.
40. It is expected that the Common Construction Wages, described in IC 5-16-7, which include wages and fringe benefits will be utilized for construction of this

casino. Has the applicant used similar wage guidelines in other jurisdictions? If so please indicate what jurisdictions and the general nature of the requirements.

41. Has the applicant implemented drug free workplace rules and safety regulations in other jurisdictions? If so please indicate what jurisdictions and the general nature of the requirements. What similar rules and regulations will the applicant recommend for this project?
42. Would it be an advantage to the operating agent to own one or both of the historic hotels within the Historic Hotel District? If the answer is "yes," please explain and indicate your willingness to undertake such discussions. Please further explain how your ownership of one or both of the hotels could change your answers to the other questions herein.
43. Has applicant, any key persons of the applicant, substantial owners or any member of the applicant's group or family created an agreement or covenant of any type whereby either directly or through a lobbyist(s), consultant(s), and or other nominee obtained land adjacent to or within three (3) miles of the actual or proposed project site or obtained an option to purchase, rent, lease or acquire in any fashion an ownership or possessive interest in any of the adjacent parcels of land? If the answer is yes, please submit an explanation.
44. Has applicant, directly or indirectly, given, offered or promised any gifts, gratuity, compensation, travel, lodging, or anything of value, including promises of future employment, to anyone associated with this project? If the answer is yes, provide an explanation. Do not include information already disclosed by the applicant elsewhere in this proposal, in Parts I and II of the Operating Agent Contract, or information revealed pursuant to the submission of Personal Disclosure Forms and their surrounding investigations.